

FOLEY & LARDNER LLP
ATTORNEYS AT LAW11250 EL CAMINO REAL, SUITE 200
SAN DIEGO, CA 92130
P.O. BOX 80278
SAN DIEGO, CA 92138-0278
TELEPHONE: 858.847.6700
FACSIMILE: 858.792.6773
WWW.FOLEY.COM**RECEIVED**
CENTRAL FAX CENTER

MAR 22 2005

FACSIMILE TRANSMISSION

Total # of Pages 14 (including this page)

TO:	PHONE #:	FAX #:
Mail Stop: Amendment USPTO Examiner Ostrup, C. Art Unit 1614		703 872-9306

From : Richard J. Warburg, Attorney for Applicant

Date : March 22, 2005

Client/Matter No : 072827-1905

User ID No : 1559

MESSAGE:

RE: United States Patent Application No. 09/990,405

Attached are the following:

- Amendment Transmittal (3 pages) (in duplicate)
- Amendment and Reply Under 36 CFR 1.111 (7 pages)
- Request for three month extension of time
- Authorization to charge deposit account No. 50-0872 the amount of \$510.00

If there are any problems with this transmission or if you have not
received all of the pages, please call .

Operator:	Time Sent:	Return Original To: Diane S. Garcia
-----------	------------	--

CONFIDENTIALITY NOTICE: THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENTS NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION, AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR ANY AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

MAR 22 2005

Atty. Dkt. No. 072827-1905

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Alan Mueller, et al.

Title: METHODS AND COMPOUNDS
FOR TREATING DEPRESSION
AND OTHER DISORDERS

Appl. No.: 09/990,405

Filing Date: 11/21/2001

Examiner: Ostrup, C.

Art Unit: 1614

CERTIFICATE OF FACSIMILE TRANSMISSION	
I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.	
DIANE GARCIA (Printed Name)	
Diane Garcia (Signature)	
March 22, 2005 (Date of Deposit)	

AMENDMENT TRANSMITTALMail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an amendment in the above-identified application.

[X] Small Entity status under 37 C.F.R. § 1.9 and § 1.27 has been established by a previous assertion of Small Entity status.

[] Assertion of Small Entity status is enclosed.

[X] The fee required for additional claims is calculated below:

	Claims As Amended		Previously Paid For		Extra Claims Present		Rate		Additional Claims Fee
Total Claims:	9	-	24	=	0	x	\$50.00	=	\$0.00
Independent Claims:	1	-	8	=	0	x	\$200.00	=	\$0.00

Atty. Dkt. No. 072827-1905

First presentation of any Multiple Dependent Claims:	+	\$360.00	=	\$0.00
CLAIMS FEE TOTAL				= \$0.00

☒ Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

<input type="checkbox"/> Extension for response filed within the first month:	\$120.00	\$0.00
<input type="checkbox"/> Extension for response filed within the second month:	\$450.00	\$0.00
<input checked="" type="checkbox"/> Extension for response filed within the third month:	\$1,020.00	\$1,020.00
<input type="checkbox"/> Extension for response filed within the fourth month:	\$1,590.00	\$0.00
<input type="checkbox"/> Extension for response filed within the fifth month:	\$2,160.00	\$0.00
EXTENSION FEE TOTAL:		\$1,020.00
<input type="checkbox"/> Statutory Disclaimer Fee under 37 C.F.R. 1.20(d):	\$130.00	\$0.00
CLAIMS, EXTENSION AND DISCLAIMER FEE TOTAL:		\$1,020.00
<input checked="" type="checkbox"/> Small Entity Fees Apply (subtract ½ of above):		\$510.00
TOTAL FEE:		\$510.00

☒ Please charge Deposit Account No. 50-0872 in the amount of \$510.00. A duplicate copy of this transmittal is enclosed.

☐ A check in the amount of \$510.00 is enclosed.

☒ The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such

Atty. Dkt. No. 072827-1905

extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to
Deposit Account No. 50-0872.

Please direct all correspondence to the undersigned attorney or agent at the address
indicated below.

Respectfully submitted,

Date March 22, 2005
FOLEY & LARDNER LLP
Customer Number: 30542
Telephone: (858) 847-6700
Facsimile: (858) 792-6773

By Steven C. Koerber
Steven C. Koerber
Patent Agent
Registration No. 54,233
for
Richard J. Warburg
Attorney for Applicant
Registration No. 32,327

Atty. Dkt. No. 072827-1905

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Alan Mueller, et al.

Title: METHODS AND COMPOUNDS
FOR TREATING DEPRESSION
AND OTHER DISORDERS

Appl. No.: 09/990,405

Filing Date: 11/21/2001

Examiner: Ostrup, C.

Art Unit: 1614

CERTIFICATE OF FACSIMILE TRANSMISSION	
I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.	
<u>DIANE GARCIA</u>	(Printed Name)
<u>Diane Garcia</u>	(Signature)
<u>March 22, 2005</u>	(Date of Deposit)

AMENDMENT TRANSMITTAL

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an amendment in the above-identified application.

☒ Small Entity status under 37 C.F.R. § 1.9 and § 1.27 has been established by a previous assertion of Small Entity status.

☐ Assertion of Small Entity status is enclosed.

☒ The fee required for additional claims is calculated below:

	Claims As Amended		Previously Paid For		Extra Claims Present		Rate		Additional Claims Fee
Total Claims:	9	-	24	=	0	x	\$50.00	=	\$0.00
Independent Claims:	1	-	8	=	0	x	\$200.00	=	\$0.00

Atty. Dkt. No. 072827-1905

First presentation of any Multiple Dependent Claims:	+	\$360.00	=	\$0.00
CLAIMS FEE TOTAL				= \$0.00

☒ Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

<input type="checkbox"/> Extension for response filed within the first month:	\$120.00	\$0.00
<input type="checkbox"/> Extension for response filed within the second month:	\$450.00	\$0.00
<input checked="" type="checkbox"/> Extension for response filed within the third month:	\$1,020.00	\$1,020.00
<input type="checkbox"/> Extension for response filed within the fourth month:	\$1,590.00	\$0.00
<input type="checkbox"/> Extension for response filed within the fifth month:	\$2,160.00	\$0.00
EXTENSION FEE TOTAL:		\$1,020.00
<input type="checkbox"/> Statutory Disclaimer Fee under 37 C.F.R. 1.20(d):	\$130.00	\$0.00
CLAIMS, EXTENSION AND DISCLAIMER FEE TOTAL:		\$1,020.00
<input checked="" type="checkbox"/> Small Entity Fees Apply (subtract ½ of above):		\$510.00
TOTAL FEE:		\$510.00

☒ Please charge Deposit Account No. 50-0872 in the amount of \$510.00. A duplicate copy of this transmittal is enclosed.

☐ A check in the amount of \$510.00 is enclosed.

☒ The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such

Atty. Dkt. No. 072827-1905

extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to
Deposit Account No. 50-0872.

Please direct all correspondence to the undersigned attorney or agent at the address
indicated below.

Respectfully submitted,

Date March 22, 2005
FOLEY & LARDNER LLP
Customer Number: 30542
Telephone: (858) 847-6700
Facsimile: (858) 792-6773

By Steven C. Koerber
Steven C. Koerber
Patent Agent
Registration No. 54,233
for
Richard J. Warburg
Attorney for Applicant
Registration No. 32,327

MAR 22 2005

Atty. Dkt. No. 072827-1905

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Alan Mueller, et al.

Title: METHODS AND COMPOUNDS
FOR TREATING DEPRESSION
AND OTHER DISORDERS

Appl. No.: 09/990,405

Filing Date: 11/21/2001

Examiner: Ostrup, C.

Art Unit: 1614

CERTIFICATE OF FACSIMILE TRANSMISSION	
I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.	
DIANE GARCIA	(Printed Name)
<i>Diane Garcia</i>	(Signature)
March 22, 2005	(Date of Deposit)

AMENDMENT AND REPLY UNDER 37 CFR 1.111Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This communication is responsive to the Non-Final Office Action mailed September 22, 2004, concerning the above-referenced patent application.

Applicant has enclosed with this amendment a Petition for Extension of Time to make this response timely.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this document.

Remarks/Arguments begin on page 4 of this document.